

**REMARKS**

**Status of the Claims**

Claims 20-37 are pending in the application. Claim 20 has been amended. Support for the amendment may be found on original specification page 13, lines 15-16. No new matter is being added.

In the Advisory Action, the claim amendments were not entered. Thus, the claim amendments are respectfully requested to be entered with the accompanying RCE.

**Objection to Scope of Data**

In the Advisory Action, the Examiner stated that the test results submitted via Declaration "are not commensurate with the scope of the claims, as the inventive and comparative compositions only contain 1% by weight of tertiary amine, while the claimed compositions can comprise from 0.5 to 8 % by weight of the tertiary amine." Applicants are filing a request for suspension of action for three months in order to generate test data commensurate in scope with the claims.

**Summary of Rejections**

In the Office Action, claims 20-35 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 4,177,153 to Lowe ("Lowe") in view of U.S. Patent No. 4,795,583 to Papay ("Papay") and U.S. Patent No. 6,844,301 to Field et al. ("Field"). Claim 36 is rejected under 35 U.S.C. 103(a) as allegedly being obvious over Lowe in view of Papay and Field as applied to claims 20-35, and further in view of U.S. Patent No. 5,344,579 to Ohtani et al. ("Ohtani"). Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe in view of Papay and Field as applied to claims 20-35, and further in view of U.S. Patent No. 6,225,266 to Watts et al. ("Watts").


All rejections are respectfully traversed. Reconsideration and allowance of claims 20-37 are respectfully requested in view of the present amendments and the previous remarks made and Declaration filed on August 12, 2009 to the Final Office Action.

**FEES**

Please debit a fee of \$940.00 from Deposit Account No. **12-2355** for a Request for Continued Examination and a Request for Suspension of Action. It is believed that there are no other fees associated with the present response. However, if this is incorrect, the Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment associated with this communication to Deposit Account No. **12-2355**.

Respectfully submitted,  
LUEDEKA, NEELY & GRAHAM, P.C.

By:

  
Leah O. Robinson  
Reg. No. 44,990

Date: 9/16/09  
P.O. Box 1871  
Knoxville, TN 37901  
Phone (865) 546-4305  
Fax (865) 523-4478